

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BARBARA KOZICKI,

Plaintiff,

vs.

Case No. 05-CV-70937
HON. GEORGE CARAM STEEH

CHILDREN'S HOME OF DETROIT, et al.,

Defendants.

_____/

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS (#6),
DISMISSING COUNT I WITH PREJUDICE,
AND COUNTS II, III AND IV WITHOUT PREJUDICE

For the reasons set forth on the record at a September 11, 2005 hearing, and consistent with the reasoning and holding in Wolotsky v. Huhn, 960 F.2d 1331 (6th Cir. 1992), defendants Children's Home of Detroit's, Yola Apkan's, and Michael Horowitz's motion to dismiss is hereby GRANTED on the merits for lack of requisite state action as to plaintiff Barbara Kozicki's federal 42 U.S.C. § 1983 claim alleged in Count I of retaliatory discharge in violation of the First Amendment. Defendants motion to dismiss plaintiff's remaining state claims as alleged in Counts II, III, and IV is hereby GRANTED to the extent the court declines to exercise supplemental jurisdiction over the claims. See 28 U.S.C. § 1367(c)(3). Count I is hereby DISMISSED with prejudice. Counts II, III, and IV are hereby DISMISSED without prejudice.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: August 12, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on August 12, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk